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Report of the Select Committee on the Kerala Live Stock Improvement Bill, 1960 and the Bill as reported by the Committee.

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THE KERALA LIVESTOCK IMPROVEMENT BILL, 1960

(*Report of the Select Committee*)

The Select Committee to which the Kerala Livestock Improvement Bill, 1960 was referred, have considered the Bill clause by clause and now submit this, their report, with the Bill as reported by the Committee annexed thereto.

2. The Bill was published in the Gazette dated the 23rd August 1960.

3. The Bill was introduced in the Assembly on the 17th September 1960 and the motion for reference of the Bill to a Select Committee was adopted on the same date.

4. The Committee met on the 2nd December 1960. The changes proposed by the Committee and the reasons therefor are set out in the following paragraphs:

Clause 5.—Under this clause a licensing officer may refuse to grant a licence or revoke a licence in respect of any bull if it is of a breed which it is undesirable to propagate in the area in which it is kept. The Committee felt that such a provision was very vague and that it would bring difficulties in actual working. The Committee, however, did not see any objection in imposing a restriction in regard to bulls which are undesirable to propagate in the State as a whole instead of area-wise. The clause has been suitably amended.

The Committee further felt that the revocation of licence should be ordered by a licensing officer only after giving a reasonable opportunity to the licensee to be heard. Suitable provision has been made.

Clause 7.—Under this clause the licensing officer is empowered to require any person keeping a bull to submit for inspection either at the place where the bulls are kept or in any other reasonable place specified in the order. The Committee consider that if the bull is to be produced for inspection in any place other than the place where it is kept, such place should be within a distance of two miles from the place where the bull is ordinarily kept. Suitable changes have been effected.

Clause 11.—This clause provided for penalty for certain offences under the Act. The maximum fine leviable for a first offence is Rs. 50, and in the case of a second or subsequent offence it is Rs. 100. The Committee consider that the same may be reduced to Rs. 25 and Rs. 50 respectively. The clause has been accordingly modified.

Similar change has also been effected in clause 20.

Clause 14.—The clause imposes a duty on the Village Officers and servants and on all officers of the Animal Husbandry, Agricultural and Revenue Departments and other officers notified by the Government in this behalf, to report the commission of offences under the Act, etc. It is thought necessary that Panchayat and Municipal officers and servants should also be included in the enumerated category of officers. Necessary modifications have been made.

The other changes are of a drafting nature.

E. P. POULOSE,
Chairman of the Select Committee.

THE KERALA LIVE-STOCK IMPROVEMENT BILL, 1960.

(As amended by the Select Committee)

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THE KERALA LIVE-STOCK IMPROVEMENT BILL, 1960

[*As amended by the Select Committee*]

(Words underlined indicate the amendments suggested by the Select Committee)

A Bill to provide for the improvement of live-stock in the State of Kerala.

Preamble.—Whereas it is expedient to provide for the improvement of live-stock in the State of Kerala;

Be it enacted in the Eleventh Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Live-stock Improvement Act, 1960.

(2) It extends to the whole of the State of Kerala.

(3) This section shall come into force at once, and the Government may, from time to time by notification in the Gazette, apply all or any of the remaining provisions of this Act to the whole or any portion of the State of Kerala from such date and for such period, if any, as may be specified in the notification, and may cancel or modify any such notification.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "bull" includes a buffalo-bull;

(b) "cow" includes a buffalo-cow and a heifer;

(c) "Director" means the officer appointed by the Government as the Director of Animal Husbandry for the State of Kerala and includes any other person on whom the powers or duties of the Director under this Act have been conferred or imposed under section 3;

(d) "licence" means a licence granted under section 4;

(e) "Licensing Officer" means the Director or any other officer or person authorised to grant licences under section 4;

(f) "prescribed" means prescribed by rules made under this Act;

(g) a person is said to "keep a bull" if he owns the bull or has the bull in his possession or custody; and

(h) a bull is said to be "castrated" if it is rendered incapable of propagating its species.

3. *Appointment of Director.*—The Government may by general or special order confer or impose on any person all or any of the powers or duties of the Director under this Act.

4. *Bulls which have attained a certain age to be licensed.*—

(1) No person shall keep a bull which has attained the prescribed age except under and in accordance with the terms,

conditions and restrictions of a licence granted under this section, unless it is certified by the prescribed officer that the bull has been effectively castrated by a method and in a manner approved by the Director.

Explanation.—Where a person keeps more than one bull, he shall obtain a separate licence in respect of each bull.

(2) Every licence under this section shall be granted by the Director or any officer or person authorised by him by general or special order. It shall be in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed.

No fee shall be charged for the grant of the licence.

5. *Refusal and revocation of licences.*—(1) Subject to such rules as may be prescribed, the licensing officer may refuse to grant or may revoke a licence in respect of any bull if in his opinion the bull appears to be—

(a) of defective or inferior conformation and consequently likely to beget defective or inferior progeny, or

(b) suffering from an incurable, contagious or infectious disease or from any other disease rendering the bull unsuitable for breeding purposes, or

(c) of a breed which it is undesirable to propagate in the State of Kerala.

(2) The licensing officer may also after giving a reasonable opportunity to the licensee to be heard revoke a licence granted in respect of any bull kept within his jurisdiction (whether such licence was granted by himself or by any other officer) if in his opinion,—

(a) the licence was granted under circumstances of which the licensing officer was not aware at the time of granting the licence and such licence would not have been granted if he had been aware of such circumstances or

(b) there has been a breach of any of the terms, conditions or restrictions of the licence.

(3) If a licence is revoked under this section, the officer revoking the licence shall give notice thereof to the person keeping the bull or to the person stated in the licence to be the owner of the bull. The notice shall set out the grounds for the revocation.

(4) No person shall be entitled to any compensation for the refusal or revocation of any licence under this section.

6. *Surrender of licence.*—A licence granted in respect of a bull shall be surrendered without delay to the licensing officer, if—

(a) the period specified in the licence expires, or

(b) the licence is revoked under this Act, or

(c) the bull dies, or is certified by the prescribed officer to have been effectively castrated by a method and in a manner approved by the Director.

7. *Inspection of bulls.*—The licensing officer may by order require any person keeping a bull to submit it for inspection by himself or by any officer or person deputed by him for the purpose, at any reasonable time, either at the place where the bull is kept for the time being or at any other reasonable place specified in the order not being farther than two miles from the place where the bull is ordinarily kept, and thereupon it shall be the duty of the person keeping the bull to submit it for inspection accordingly, and render all reasonable assistance in connection with such inspection to the officer concerned.

8. *Power to order castration of bulls.*—(1) The licensing officer may by order require any person keeping a bull which in his opinion has attained the prescribed age, and in respect of which no licence is for the time being in force under this Act, to have it castrated, within one month from the date of the service of the order, by a method and in a manner approved by the Director and specified in the order.

(2) Such castration shall be performed or caused to be performed by the licensing officer free of charge, unless the owner or other person keeping the bull desires to make his own arrangements for complying with the order.

9. *Duty to inform owner of contents of notice, or order of castration.*—If any notice or order is served under section 5, section 7, or section 8 on any person who is not the owner of the bull, it shall be the duty of that person forthwith to take all reasonable steps to inform the owner of the contents of such notice or order, and if he fails to do so, he shall be liable to indemnify the owner against any loss the owner may sustain by reason of such failure.

10. *Production of licence.*—It shall be the duty of any person who for the time being keeps a bull in respect of which a licence has been obtained and is in force, to produce such licence—

(a) within a reasonable time, at any place where the bull is for the time being, on demand made by a licensing officer or an officer of the Animal Husbandry Department not below the rank of Veterinary Surgeon, or an officer of the Revenue Department not below the rank of Deputy Tahsildar or such other officer as may be authorised in this behalf by the Government by general or special order; or

(b) before a cow is served by the bull, on demand made by the person in charge of the cow.

11. *Penalties.*—Whoever—

(a) keeps a bull in contravention of this Act or of any rule or order made thereunder, or of any terms, conditions or restrictions of a licence, or

(b) neglects or fails to submit a bull for inspection when required to do so under section 7, or

(c) neglects or fails to comply with an order served under section 8, or

(d) neglects or fails to produce a licence when required to do so under section 10,

shall be punishable with fine which may extend to twenty five rupees and in the case of a second or any subsequent offence with fine which may extend to fifty rupees.

12. *Power of licensing officer to castrate bulls.*—(1) If a person who keeps a bull neglects or fails to submit it for inspection or to have it castrated when required to do so under section 7, or section 8, the licensing officer may direct that the bull shall be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge.

(2) (a) If it is not known in whose ownership, possession or custody a bull is for the time being and the fact cannot be ascertained after an inquiry in the prescribed manner, the licensing officer may seize the bull or cause it to be seized, and if he is of opinion that the bull has attained the prescribed age and is unsuitable for breeding purposes on any of the grounds specified in sub-section (1) of section 5, may direct that the bull shall be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge.

(b) Every bull seized under clause (a) shall, after it has been castrated and marked as aforesaid where necessary, be sold by public auction or sent to a *pinjrapole* or infirmary recognised by the Government in this behalf.

(c) In case the owner of any bull seized under clause (a) appears before the licensing officer within such time as may be prescribed in this behalf and proves to the satisfaction of such officer that the bull is owned by him—

(i) in case the bull has been sold by public auction, the proceeds of such sale shall be paid to the owner after deducting therefrom the costs, charges and expenses incurred for the maintenance and sale of the bull; and

(ii) in any other case, the bull shall be delivered to the owner on payment of the costs, charges and expenses incurred for its maintenance.

(d) The costs, charges and expenses referred to in sub-clauses (i) and (ii) of clause (c) shall be determined in the prescribed manner.

13. *Power of licensing officer etc., to inspect or mark bulls and enter premises.*—For the purposes of this Act, a licensing officer or any officer or person authorised by him in this behalf shall have power at all reasonable times—

(a) to inspect any bull;

(b) to mark any bull with a prescribed mark in the prescribed manner; and

(c) subject to such conditions and restrictions, if any, as may be prescribed, to enter any premises or other place where he has reason to believe that a bull is kept.

14. *Duty of officers to report offences, etc.*—It shall be the duty of all village officers and servants and of all officers of the Animal Husbandry, Agricultural and Revenue Departments and officers and servants of Panchayats and Municipalities and other officers notified by the Government in this behalf—

(a) to give immediate information to the nearest licensing officer of the commission of any offence, or of the intention or preparation to commit any offence punishable under this Act, which may come to their knowledge;

(b) to take all reasonable measures in their power to prevent the commission of any such offence which they may know or have reason to believe is about or likely to be committed; and

(c) to assist any licensing officer in carrying out the provisions of this Act.

15. *Cognizance of offences.*—No Magistrate shall take cognizance of any offence under this Act except upon a complaint made by a licensing officer or any person authorised by such officer in this behalf.

16. *Officers to be public servants.*—All officers and servants specified in, or notified under section 14 shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

17. *Bar of certain proceedings.*—(1) No suit, prosecution or other proceeding shall lie against any officer or servant of the Government for any act done or purporting to be done under this Act without the previous sanction of the Government.

(2) No officer or servant of the Government shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

18. *Limitation for certain suits and prosecutions.*—No suit shall be instituted against the Government and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other proceeding is instituted within six months from the date of the act complained of.

19. *Revision.*—The Government may at any time either *suo motu* or on application, call for and examine the record of any order passed by, or any proceedings recorded by, any officer or

person under this Act, for the purpose of satisfying themselves as to the legality or propriety of such order or as to the regularity of such proceedings, and may pass such order in reference thereto as they think fit.

Nothing contained in this section shall apply to the orders of proceedings of any Court or Magistrate.

20. *Power to make rules.*—(1) The Government may after previous publication by notification in the Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—.

(a) all matters expressly required or allowed by this Act to be prescribed;

(b) the circumstances in which duplicates of licences may be granted, the fees which may be charged for the grant of such duplicates and the conditions, restrictions and limitations subject to which they may be granted;

(c) the powers to be exercised and the duties to be performed by officers appointed under this Act, and the procedure to be followed by such officers; and

(d) the service of notices and orders issued under this Act.

(3) In making a rule under sub-section (1) or sub-section (2), the Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to twenty five rupees.

(4) All rules made under this section shall, as soon as may be after they are made, be laid before the Legislative Assembly for a period of not less than fourteen days and shall be subject to such modifications, by way of repeal or amendment, as the Legislative Assembly may make during the session in which they are so laid or the session immediately following.

21. *Saving.*—Nothing contained in this Act shall apply to a bull dedicated in good faith to a religious purpose in accordance with any religious usage or custom, provided that notice of the dedication is given in the prescribed manner to the licensing officer.

22. *Repeal.*—The Madras Live-stock Improvement Act, 1940 (Act XV of 1940), as in force in the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956, and the Travancore-Cochin Live-stock Improvement Act, 1954 (Act XII of 1954), are hereby repealed.

D. TIRUMALAI,
Secretary,
Legislative Assembly.